

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSE VELEZ,

Plaintiff,

v.

SUNS CORPORATION, et al.,

Defendants.

CASE NO. C19-6070 RJB

ORDER DISMISSING CASE

This matter comes before the Court on review of the record. The Court is familiar with the record herein. This case should be dismissed without prejudice for Plaintiff's failure to obey a court order.

Fed. R. Civ. P. 16 (f)(1) provides that the court, on motion or on its own, may issue "any just orders including those authorized by Fed. R. Civ. P. 37(b)(2)(A)(ii)-(vii)" if a party "fails to obey a scheduling or other pretrial order." Under Fed. R. Civ. P. 37(b)(2)(A)(v), the court may dismiss an action or proceeding in whole or in part for failure to obey a court order. It is Plaintiff's responsibility to initiate communications needed to comply with the Court's orders requiring a Combined Joint Status Report and Discovery Plan.

On November 14, 2019, the Court issued an Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement. Dkt. 4. In that order, the Court directed that the parties file a Combined Joint Status Report and Discovery Plan not later than February 12, 2020, pursuant to

1 Fed. R. Civ. P. 16 and Local Rules W.D. Wash. LCR 16(a). *Id.* The Court further directed that
2 Plaintiff serve copies of the minute order on all parties who appeared after the order was filed.
3 *Id.* The Court directed that Plaintiff would be responsible for starting the communications needed
4 to comply with the minute order. *Id.*


5 On February 19, 2020 the Joint Status Report was one week overdue, and the Court filed
6 a Notice to Parties providing that they shall comply forthwith with the deadline for the filing of a
7 combined Joint Status Report or may face dismissal. Dkt. 17. On March 6, 2020, after no
8 response from the Parties, the Court issued an Order for Plaintiff to “show cause, if any he has,
9 why this case should not be dismissed without prejudice under Fed. R. Civ. P. 16(f)(1) and
10 37(b)(2)(A)(v)” for failure to obey a court order. Dkt. 18. Plaintiff filed no response and has
11 failed to show cause why this case should not be dismissed without prejudice. *See* Dkt. A
12 Combined Joint Status Report and Discovery Plan has not been filed in this case, nor have the
13 parties requested an additional extension of time to comply with the court’s order. *See* Dkt.
14 Therefore, Plaintiff has failed to obey a court order and this case should be dismissed without
15 prejudice.

16 Therefore, it is hereby **ORDERED** that:

- 17 • This case is DISMISSED WITHOUT PREJUDICE.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
19 to any party appearing *pro se* at said party’s last known address.

20 Dated this 25th day of March, 2020.

21 

22 ROBERT J. BRYAN
23 United States District Judge
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